NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID

Miss. Division of Medicaid
c/o Ginnie McCardle, Staff Officer
Walter Sillers Building
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Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann. §43-13-121(1972), as amended

Reference to Rules repealed, amended or suspended by the Proposed Rule :
Provider Policy Manual Section 10.04

Date Rule Proposed: August 17, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
AP2009-53 This administrative policy amendment updates Section 10.04, which outlines Medicaid's policy on durable medical equipment for beneficiaries that are dual eligibles. Mississippi law requires providers participating in the Medicaid program to determine if a beneficiary is covered by a third source, and to file and collect all third party coverage prior to billing Medicaid. This includes beneficiaries who are Medicare/Medicaid (dual) eligible. Refer to Section 6.03 of the Provider Policy Manual for billing procedures policy. Updated information is also given for providers to follow when filing a claim for equipment, orthotics, prosthetics, and supplies not covered by Medicare if the reason for the Medicare denial is other than for medical necessity.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: October 1, 2009

Executive Director
Signature and Title of Person Submitting Rule for Filing